



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,660	12/21/2000	Hidegori Nishikawa	JP9 1999 0205 US1	6984

45095 7590 11/16/2006

HOFFMAN, WARNICK & D'ALESSANDRO LLC
75 STATE ST
14 FL
ALBANY, NY 12207

EXAMINER

NELSON, FREDA ANN

ART UNIT PAPER NUMBER

3628

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,660

Applicant(s)

NISHIKAWA, HIDENORI

Examiner

Freda A. Nelson

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on August 30, 2006 is acknowledged and entered. No claims have been added. Claims 1-6 are currently pending.

Response to Amendment and Arguments

Applicant's arguments filed August 30, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that regarding claim 4, Reeder does not disclose "associating a set of rules one-to-one with each service type provided by a service provider, the examiner respectfully disagrees. Reeder discloses that, *"for example, a pricing rule may state that the selected event ID has an hourly charge of \$10.00 before 5:00 p.m. and \$20.00 for all events posted after 5:00 p.m.; and once the pricing rule has been determined at state 780 the pricing rule is applied at state 782"* (col. 18, lines 5-7).

In response to applicant's arguments that Reeder does not show "associating a set of rules with each service type, but teaches a pricing rule based on event ID, service ID, and subscription plans together", the examiner is unable to locate the exclusion of other factors in the specification.

In response to applicant's arguments that Boardman does not disclose or suggest a calculation means, which for each different type of customer service provided to a customer, identifies the rule set associated with the type of customer service, and calculates charges for each event belonging to the type of customer service based on

Art Unit: 3628

the associated rule set., the examiner respectfully disagrees. Boardman discloses "a *Price Plan may consist of several Algorithms, each one used to rate different types of Events (e.g., a plan contains an Algorithm for rating calling card calls, and a separate Algorithm for rating regular direct dialed telephone calls).*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeder (Patent Number 5,852,812).

As for claims 4-5, Reeder discloses a method for calculating charges to customers using a data processing computer system, comprising:

associating a set of rules one-to-one with each service type provided by a service provider (col.18, lines 5-7);

providing a database of customer data, wherein the customer data includes events, and wherein each event belongs to a service type utilized by a customer (col.13, lines 65 through col. 14, line 3);

identifying the events belonging to a predetermined customer (col. 15, lines 29-34);

analyzing the events to determine what service types were utilized by the predetermined customer, processing the events belonging to the service type by applying the associated set of rules for the service type (col. 15, lines 25-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman et al. (Patent Number 6,456,986) in view of Rubin et al. (Patent Number 6,078,897).

As for claim 1, Boardman et al. disclose a data processing system for calculating charges to customers, comprising:

a database, for managing customer data required for calculating said charges to customers (col. 1, lines 21-26; col. 2, lines 24-29); and

rule management means, for storing rule sets that, in advance, each define only one charge calculation method that is employed in accordance with a type of customer service that is rendered, wherein the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value (col. 1, lines 51-57; col. 2, lines 42-50; Figs. 1 and 2).

Boardman et al. do not disclose that the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value. Rubin et al. disclose that rules that describe which of the information retrieved may be combined with the proposed order are stored in vendor thresholds and catalog 210 (col. 7, lines 49-61). Rubin et al. further disclose that the vendor discount thresholds are stored in a discount table of a conventional database with each threshold containing a vendor name, a volume and a discount stored in each record of the discount table (col. 8, lines 11-15). Rubin et al. still further disclose that if the volume of the proposed order stored in proposed order storage 212 is equal to a threshold, next threshold calculator 220 signal administration 250 by sending two values: 0 and the additional volume calculated. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the invention of Boardman et al. to include the feature of Rubin et al. in order to identify how to increase an order for goods or services to realize additional discounts (Rubin; col. 2, lines 18-20).

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman et al. in view of Carter (Patent No. 6,553,350), in further view of Rubin et al (6,078,897).

As for claims 2-3, Boardman et al. disclose a data processing system for calculating charges to customers, comprising:

a database for managing customer data required for calculating said charges to customers(col.1, lines 21-26; col. 2, lines 24-29);

rule management means, for storing a rule that, in advance, defines only one charge calculation method that is employed in accordance with the type of customer service that is rendered (abstract; col. 3, lines 17-40; col. col. 4, lines 28-46); and

calculation means for, in accordance with the contents of said customer data read from said database, obtaining for a pertinent customer, from said rule management means, said rule that defines a charge calculation method, and for calculating a charge by referring to said charge discount ratio defined in said pertinent rule (col. 2, lines 42-50 and Figs 1 and 2)

Boardman et al. do not disclose that the discount table further includes a set of change point identifiers and associated discount threshold values. Carter discloses that FIG. 1 shows an example of a basic price table wherein each row designates a potential customer that the product would be sold to, and each column designates the product will be sold, and the table entry corresponding to the basic unadjusted price for the product; and according to the prior art, in addition to the basic price table of FIG. 1, various other tables must be stored and maintained in the mainframe database (col. 2, lines 44-55; FIG. 2). Rubin et al. disclose that vendor threshold and catalog 210 also stores the volume thresholds for each discount level, and information regarding the calculation of the volume of the order (col. 3, lines 33-35). Rubin et al. further disclose that that vendor thresholds and catalog 210 is a conventional relational database with a product table holding the name, vendor identifier, undiscounted price, and unit or

Art Unit: 3628

volume contribution, of each product wherein the volume contribution may be equal to the undiscounted price, a value of "1", or another weighted value; and a discount table holds the vendor name, volume threshold and discount calculation such as a percentage discount for each discount threshold of each vendor for which the apparatus can accept orders (col. 3, lines 48-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Boardman et al. and Carter to include the feature of Rubin et al. in order to provide flexibility in price modeling.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder in view of Boardman et al. Boardman et al. (Patent Number 6,456,986).

In claim 6, Reeder does not disclose that the set of rules associated with each serve type further includes a charge calculation rule. Boardman et al. disclose that an algorithm calculates a price or modifies a price (applies a discount). Boardman et al. further disclose that the Algorithm Selection Rule Set 30 is within the Price Plan and guides the Event to Algorithms (col. 2, lines 42-50; Figs. 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Reeder to include the feature of Boardman et al. in order provide guidelines for performing calculations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

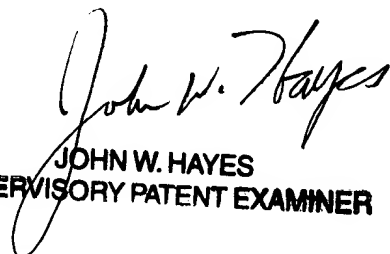
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 11/10/06

A handwritten signature in cursive script, reading "Freda Nelson".A handwritten signature in cursive script, reading "John W. Hayes".
JOHN W. HAYES
SUPERVISORY PATENT EXAMINER